

MIAMI BEACH

PROPOSAL REQUIREMENTS DOCUMENT (PRD)

PRD 2016-071-KB

Notice of Receipt of Unsolicited Proposal and Request for Alternative Proposals for Light Rail/Modern Streetcar Project in Miami Beach

PRD Issuance Date: January 12, 2016

Mandatory Pre-Proposal Conference: Date and location to be determined and noticed via Addendum

Proposals Due: May 10, 2016 @ 3:00 p.m.

Issued By:

CITY OF MIAMI BEACH

Procurement Department

Attention: Kristy Bada, Contracting Officer

1700 Convention Center Drive, Miami Beach, FL 33139

305.673.7490 | KristyBada@MiamiBeachFL.gov | www.miamibeachfl.gov

PUBLIC NOTICE

Proposal Requirements Document (PRD) 2016-071-KB

Notice of Receipt of Unsolicited Proposal for Light Rail/Modern Streetcar Project in Miami Beach

NOTICE IS HEREBY GIVEN that the City of Miami Beach, Florida, a municipal corporation of the State of Florida, has received an unsolicited proposal for a qualifying public-private partnership project in accordance with Florida Statute 287.05712 for an off-wire or “wireless” light rail/modern streetcar system (the “Project”). The City requests, and in accordance with Florida Statute 287.05712, will accept alternative proposals for the Project until 3:00 p.m. on May 10, 2016.

Persons or entities wishing to submit alternative proposals for the Project (“Proposers”) may do so by delivering sealed proposals to: City of Miami Beach, Procurement Department, Attn: Alex Denis, 1755 Meridian Avenue, 3rd Floor, Miami Beach, Florida 33139. Each sealed proposal submitted should be clearly marked on the outside: “Sealed Proposal - Light Rail/Modern Streetcar System and Related Services.”

All proposals must be timely submitted no later than 3:00 p.m. on May 10, 2016, and must contain the information and materials required under Fla. Stat. 287.05712(5), the additional proposal submission requirements required by the City as provided below, and a \$100,000 application fee payable to the City of Miami Beach, Florida. Any proposal received after 3:00 p.m. on May 10, 2016 will be returned unopened, and will not be considered. Responsibility for submitting timely proposals rests solely with Proposers; City will not be responsible for any delays caused by mail, courier service or other occurrence.

Proposals will be ranked in order of preference by the City. In ranking the proposals, the City will consider factors in accordance with Florida Statute 287.05712 that include, but are not limited to, professional qualifications, general business terms, innovative design techniques or cost-reduction terms, and finance plans. A more complete listing of factors that the City will consider in ranking proposals, associated Project and proposal submission requirements (“Proposal Requirements”) can be obtained through the City’s proposal notification system, PublicPurchase (www.PublicPurchase.com). Interested parties must register with PublicPurchase for access to the Proposal Requirements. Registration will allow Proposers to receive any additional information that may be issued with respect to this procurement.

The City reserves the right to reject any or all proposals, or as provided under Section 287.05712, Florida Statutes, to award and negotiate an interim agreement and/or comprehensive agreement with the firm whose proposal best serves the interests of the City. Nothing contained herein shall be interpreted as an obligation or binding agreement by the City regarding the Project.

The City’s Cone of Silence shall be in effect during the procurement process in accordance with Section 2-486 of the City Code. A link to certain applicable City of Miami Beach procurement-related provisions is available at www.miamibeachfl.gov/procurement. All communications regarding the Project and/or Proposal Requirements shall be directed in writing to: City of Miami Beach Procurement Department, Attn: Kristy Bada, email: kristybada@miamibeachfl.gov, with a copy to the City Clerk, Rafael Granado, at rafaelgranado@miamibeachfl.gov. The City will provide notice of a decision or proposed decision regarding contract award. Any person who is, or claims to be, adversely affected by the City’s decision or proposed decision shall file a written protest in accordance with Section 2-371 of the City Code.

All proposals received in response to this Notice will become the property of the City of Miami Beach and will not be returned. Such proposals and related information shall be subject to applicable provisions of the Florida Public Records Law.

SECTION 0200**INSTRUCTIONS TO RESPONDENTS & GENERAL CONDITIONS**

1. GENERAL. This Proposal Requirements Document (PRD) is issued by the City of Miami Beach, Florida (the “City”), pursuant to Section 287.05712(4), Florida Statutes, notifying interested parties that it has received an unsolicited proposal for the development of an off-wire or “wireless” light rail/modern streetcar system in Miami Beach as a public-private partnership (the “Project”). The City of Miami Beach will accept other Proposals from qualified firms to deliver the Project and design, build, finance, operate and maintain the Project in accordance with the specifications set forth in this PRD (“Proposals”).

The City utilizes **PublicPurchase** (www.publicpurchase.com) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this PRD. Any prospective Proposer who has received this PRD by any means other than through **PublicPurchase** must register immediately with **PublicPurchase** to assure it receives any addendum issued to this PRD. **Failure to receive an addendum and to comply with the requirements of this PRD, including, without limitation, payment of the requisite \$100,000 application fee, shall result in disqualification of a Proposal.**

2. BACKGROUND. As early as 1969, a rail connection between the City of Miami and the City of Miami Beach was identified as a priority in Miami-Dade County’s Long Range Transportation Plan. Over 10 years ago, the Miami-Dade Metropolitan Planning Organization (MPO) prepared the Draft Environmental Impact Statement (DEIS) for a light rail transit/modern streetcar system to connect the cities of Miami Beach and Miami via dedicated right-of-way along the MacArthur Causeway (the Baylink Project). More recently, the MPO conducted a planning-level study that refreshed and updated the decade-old Baylink study in June 2015 and reaffirmed the MacArthur Causeway as the preferred alignment to connect Miami Beach and Miami and recommended an off-wire or “wireless” light rail transit/modern streetcar system for the portion within each urban area as the preferred vehicle technology as well as the use of exclusive lanes for the transit vehicles. Phase 1 of the recommended route alignment is from downtown via MacArthur Causeway, 5th Street, and Washington Avenue directly to the Miami Beach Convention Center referred to as the Direct Connect Project. The portion of the Direct Connect Project located within Miami Beach and consisting of a 2-way connection on 5th Street and Washington Avenue, is referred to as the “South Beach Component.” This PRD, and the request for other Proposals for the Project, relates solely to the South Beach Component of the Direct Connect Project. For additional background on the local and regional efforts with respect to the Direct Connect Project, see City Commission Resolution No. 2015-29247.

The City has engaged Kimley-Horn for preparation of an environmental analysis for the South Beach Component of the Direct Connect Project, to be completed in parallel with this solicitation. Kimley-Horn estimates that the environmental review (including up to 30 percent design plans) for the South Beach Component can be accomplished in 10 to 15 months depending on the approach and term of the environmental review. As of the date of issuance of this PRD, the City’s planning efforts for the Project are intended to preserve eligibility for federal funding, should the City Commission subsequently decide to pursue federal funding for the Project, if available. Based on this schedule, this solicitation will overlap the environmental review and analysis for the Project, so that both efforts are accomplished within the same timeframe.

3. SCOPE. The scope of the Project contemplates a full “turn-key” delivery approach that consists of and includes the design, construction, financing, operation, and maintenance of the Project, including vehicles and associated power, communications, signalization, and other systems required for the functionality of the Project (“Vehicle/Systems Technology”); operation and maintenance facilities, related civil infrastructure, including “curb-to-curb” road reconstruction, and related services pertaining to the Project. The City will make a site available for a maintenance facility, with such site location to be identified by the City during the Phase 2 Proposal period referenced in Section 0300(1) below, and managed/operated by the successful Proposer as part of the Project.

Further, the City, as part of its resiliency program for sea level rise, intends to raise the level of many streets, install pumps, etc. To the extent the Project alignment is affected by the resiliency program, the scope of work impacted by the alignment may form part of the scope of work for the Project, and funded separately by the City.

The City anticipates a performance-based availability payment structure over the operating period. The City will consider negotiating with the successful Proposer an option for milestone payments during the construction phase of the Project, if funds are available and appropriated for such purposes.

The lead team participants include the following firms: (i) the firm that will be responsible for the construction of the Project and is licensed as a general contractor in Florida (“Lead Contractor”), (ii) the firm responsible for operation of the proposed vehicle/streetcar system (“Lead Operator”), (iii) the firm primarily responsible for coordinating the development and completion of all Project-related engineering (“Lead Engineer”), (iv) the firm responsible for maintenance of the Project, including the proposed streetcar system (“Lead Maintenance Entity”), (v) the entity primarily responsible for providing equity for the Project (“Lead Investor”), and (vi) the streetcar vehicle or systems technology suppliers (“Vehicle/Systems Suppliers”) (entities (i) through (vi) above collectively referred to as “Lead Team Participants”).

The Vehicle/Systems Suppliers may participate on more than one Proposer team. Except as to the Vehicle/System Suppliers, all other Lead Team Participants shall not participate on more than one Proposer team.

The City Commission has not made a final decision on the environmental clearance approach and final funding plan, and such plans may potentially include federal or state funding. Proposers need to be knowledgeable of state and federal requirements, in addition to City requirements, and have the ability to meet and comply with those requirements. For purposes of the Proposals, Proposers must assume that the Project will be federally and/or state funded and that the Project shall incorporate all applicable federal and state requirements.

Any comprehensive agreement entered into with a successful Proposer shall be subject to and contingent upon environmental clearance/approval of Project components by applicable governmental entities.

4. MINIMUM ELIGIBILITY REQUIREMENTS. The minimum requirements for the Project and this PRD (“Minimum Requirements”) are listed below. Proposer shall submit documentation of compliance with each Minimum Requirement. Any Proposer that fails to include the required submittals with its Proposal, or fails to comply with the Minimum Requirements, shall be deemed non-responsive and shall not have its Proposal considered.

A. Project and Proposer Minimum Requirements.

1. The Proposer’s Vehicle/Systems Technology shall have demonstrated capacity of fully catenaryless for revenue operations in Miami Beach, following an alignment on a dedicated right of way.
2. The Proposer’s Vehicle/Systems Technology shall have demonstrated full performance capabilities, including maintaining air conditioning in all vehicles in a climate similar to the climate in the City of Miami Beach.
3. The Proposer’s Vehicle/Systems Technology shall be able to operate in a typical catenary system in the United States (750V DC).
4. The Proposer’s Vehicle/Systems Technology shall have demonstrated capacity to address minimum ridership of 20,075 people on a daily basis, should it be extended across the MacArthur Causeway as part of the Direct Connect Project.
5. The Proposer’s Lead Contractor shall demonstrate a bonding capacity of not less than \$200 million by submitting a letter stating its bonding capacity from an A-rated, Financial Class V, Surety Company. The statement of bonding capacity shall be directly from the Surety firm on its official letterhead and signed by an authorized agent of the firm.
6. The Proposer’s Lead Contractor must have successfully delivered, as a general contractor under a design/build or other form of construction contract, at least (1) public or public/private infrastructure project with minimum hard construction costs of \$150 million in the last (5) five years.

B. Application Fee. Proposals must be accompanied by a Proposal application fee in the amount of \$100,000, payable to the City of Miami Beach, payable by wire transfer, prior to the due date for proposals, pursuant to the wire instructions below, as follows:

Bank: SunTrust

ABA: 061000104

SWIFT #: SNTRUS3A (foreign wires)

Account #: 0360002236568

Account Name: City of Miami Beach General Depository Account

The wire transfer receipt number must be included in the Proposal submitted. Failure to submit the application fee in accordance with this provision shall render a Proposal non-responsive and City shall disqualify Proposer from any further consideration.

If the application fees collected ultimately exceed the City’s costs for fully evaluating proposals, including the City’s consultant and legal fees, the City will refund to Proposers any excess application fee amounts, if any, on a pro rata basis.

5. MANDATORY PRE-PROPOSAL CONFERENCE (INDUSTRY FORUM): A Mandatory Pre-Proposal Conference will be held as follows:

DATE, TIME AND LOCATION TO BE DETERMINED AND RELEASED VIA ADDENDUM

Attendance is mandatory and each interested party shall have at least one representative at the Mandatory Pre-Proposal Conference. **The City will not consider Proposals from parties not represented at the Pre-Proposal Conference by at least one Lead Team Participant.**

6. PROPOSAL DUE DATE. Proposals are to be received on or before 3:00 p.m. on May 10, 2016. Any Proposal received after the deadline established for receipt of Proposals will be considered late and not be accepted or will be returned to Proposer unopened. The City does not accept responsibility for any delays caused by mail, courier service or other occurrence.

7. PROCUREMENT CONTACT. Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below:

Procurement Contact:
Kristy Bada

Telephone:
305-673-7490

Email:
KristyBada@MiamiBeachFL.gov

Additionally, the City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov; or via facsimile: 786-394-4188.

The PRD title/number shall be referenced on all correspondence. All questions or requests for clarification must be received no later than thirty (30) calendar days prior to the date Proposals are due. All responses to questions/clarifications will be sent to all prospective Proposers in the form of an addendum.

8. DETERMINATION OF AWARD. Proposals will be ranked in order of preference by the City. In ranking the proposals, the City will consider factors in accordance with Florida Statute 287.05712 that include, but are not limited to, professional qualifications, general business terms, innovative design techniques or cost-reduction terms, finance plans, and any other considerations identified in this PRD. The final ranking results of Step 1 & 2 outlined in Section 0400, Evaluation of Proposals, will be considered by the City Manager who may recommend to the City Commission the Proposer(s) s/he deems to be in the best interest of the City, or may recommend rejection of all Proposals. The City Manager's recommendation need not be consistent with the ranking identified herein and takes into consideration Miami Beach City Code Section 2-369, including the following considerations:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the Proposer with laws and ordinances relating to the contract.

The City Commission shall consider the City Manager's recommendation and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals. Upon approval of selection by the City Commission, negotiations between the City and the selected Proposer(s) will take place to arrive at a mutually acceptable interim agreement and/or comprehensive agreement for delivery of the Project or any portion thereof, in accordance with Florida Statute 287.05712. If the City and selected Proposer cannot agree on contractual terms, the City will terminate negotiations and may begin negotiations with the next ranked Proposer, continuing this process with each Proposer in rank order until agreeable terms can be met or the RFP process is terminated, unless otherwise specified by the City Commission. Contract negotiations and execution will take place as quickly as possible after selection.

9. NEGOTIATIONS. The City reserves the right to enter into further negotiations with the selected Proposer for an interim agreement or comprehensive agreement for delivery of the Project or any portion thereof, and which agreement shall, at a minimum, comply with Florida Statute 287.05712 and the Minimum Requirements set forth herein. Notwithstanding the preceding, the City is in no way obligated to enter into an interim agreement or comprehensive agreement with the selected Proposer in the event the parties are unable to negotiate a mutually acceptable agreement. It is also understood and acknowledged by Proposers that no property, contract or binding rights of any kind shall be created at any time until and unless a final interim agreement or comprehensive agreement has been fully negotiated, approved by the City Commission, and executed by the parties. Any comprehensive agreement entered into with a successful Proposer shall be subject to and contingent upon environmental clearance/approval of Project components by applicable governmental entities.

10. PRE-PROPOSAL INTERPRETATIONS. Oral information or responses to questions received by prospective Proposers are not binding on the City and will be without legal effect, including any information received at pre-submittal meeting or site visit(s). The City by means of Addenda will issue interpretations or written addenda clarifications considered necessary by the City in response to questions. Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *PublicPurchase*. Any prospective Proposer who has received this PRD by any means other than through *PublicPurchase* must register immediately with *PublicPurchase* to assure it receives any addendum issued to this PRD. Failure to receive an addendum may result in disqualification of Proposal. Written questions should be received no later than April 9, 2016.

11. CONE OF SILENCE. In Resolution No. 2015-29247, the City Commission elected, at its discretion, to apply the City's Cone of Silence to this solicitation. Except as may be otherwise specified by the City Commission, this PRD is subject to the Cone of Silence requirements as set forth in Section 2-486 of the City Code. All Proposers are expected to be or become familiar with the above requirements. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Cone of Silence are complied with, and shall be subject to any and all sanctions, as prescribed therein, including rendering their Proposal response voidable, in the event of such non-compliance. Communications regarding this PRD solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov

12. PUBLIC ENTITY CRIME. A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a Proposal on a contract to provide any goods or services to a public entity, may not submit a Proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit Proposals on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

13. COMPLIANCE WITH THE CITY'S LOBBYIST LAWS. This PRD is subject to, and all Proposers are expected to be or become familiar with, all City lobbyist laws. Proposers shall be solely responsible for ensuring that all City lobbyist laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including, without limitation, disqualification of their responses, in the event of such non-compliance.

14. DEBARMENT ORDINANCE: This PRD is subject to, and all Proposers are expected to be or become familiar with, the City's Debarment Ordinance as codified in Sections 2-397 through 2-406 of the City Code.

15. CAMPAIGN FINANCE REFORM LAWS. This PRD is subject to, and all Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their responses, in the event of such non-compliance.

16. CODE OF BUSINESS ETHICS. Pursuant to City Resolution No.2000-23879, the Proposer shall adopt a Code of Business Ethics ("Code") and submit that Code to the Procurement Division with its response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

17. POSTPONEMENT OF DUE DATE FOR RECEIPT OF PROPOSALS. The City reserves the right to postpone the deadline for submittal of Proposals and will make a reasonable effort to give at least three (3) calendar days written notice of any such postponement to all prospective Proposers through *PublicPurchase*.

18. PROTESTS. Proposers that are not selected may protest any recommendation for selection of award in accordance with the proceedings established pursuant to the City's bid protest procedures, as codified in Sections 2-370 and 2-371 of the City Code (the City's Bid Protest Ordinance). A protest not timely made pursuant to the requirements of the City's Bid Protest Ordinance shall be barred.

19. POSTPONEMENT/CANCELLATION/ACCEPTANCE/REJECTION. The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, Proposals; re-advertise this PRD; postpone or cancel, at any time, this PRD process; or waive any irregularities in this PRD, or in any Proposal responses received as a result of this PRD, in accordance with Florida law. Reasonable efforts will be made to either award the successful Proposer the contract or reject all Proposals within one-hundred twenty (120) calendar days after the Phase 2 Proposal opening date. A Proposer may withdraw its Proposal after expiration of one hundred twenty (120) calendar days from the date of the Phase 2 Proposal opening by delivering written notice of withdrawal to the Department of Procurement Management prior to award of the contract by the City Commission.

20. PROPOSER'S RESPONSIBILITY. Before submitting a response, each Proposer shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Proposer from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Proposer.

21. COSTS INCURRED BY PROPOSERS. All expenses involved with the preparation and submission of Proposals, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Proposer, and shall not be reimbursed by the City.

22. RELATIONSHIP TO THE CITY. It is the intent of the City, and Proposers hereby acknowledge and agree, that the successful Proposer is considered to be an independent contractor, and that neither the Proposer, nor the Proposer's employees, agents, and/or contractors, shall, under any circumstances, be considered employees or agents of the City.

23. MISTAKES. Proposers are expected to examine the terms, conditions, specifications, delivery schedules, proposed pricing, and all instructions pertaining to the goods and services relative to this PRD. Failure to do so will be at the Proposer's risk and may result in the Proposal being non-responsive.

24. DEFAULT: Failure or refusal of the selected Proposer to execute a contract following approval of such contract by the City Commission, or untimely withdrawal of a response before such award is made and approved, may result in a claim for damages by the City and may be grounds for removing the Proposer from the City's vendor list.

25. MANNER OF PERFORMANCE. Proposer agrees to perform its duties and obligations in a professional manner and in accordance with all applicable Local, State, County, and Federal laws, rules, regulations and codes. Lack of knowledge or ignorance by the Proposer with/of applicable laws will in no way be a cause for relief from responsibility. Proposer agrees that the services provided shall be provided by employees that are educated, trained, experienced, certified, and licensed in all areas encompassed within their designated duties. Proposer agrees to furnish to the City any and all documentation, certification, authorization, license, permit, or registration currently required by applicable laws, rules, and regulations. Proposer further certifies that it and its employees will keep all licenses, permits, registrations, authorizations, or certifications required by applicable laws or regulations in full force and effect during the term of this contract. Failure of Proposer to comply with this paragraph shall constitute a material breach of this contract.

26. SPECIAL CONDITIONS. Any and all Special Conditions that may vary from these General Terms and Conditions shall have precedence.

27. NON-DISCRIMINATION. The Proposer certifies that it is in compliance with the non-discrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin. In accordance with the City's Human Rights Ordinance, codified in Chapter 62 of the City Code, Proposer shall prohibit (and cause hotel operator to prohibit) discrimination by reason of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, and age or disability in the sale, lease, use or occupancy of the Hotel Project or any portion thereof.

28. DEMONSTRATION OF COMPETENCY. The City may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience) in making an award that is in the best interest of the City, including:

- A. Pre-award inspection of the Proposer's facility may be made prior to the award of contract.
- B. Proposals will only be considered from firms which are regularly engaged in the business of providing the goods and/or services as described in this solicitation.
- C. Proposers must be able to demonstrate a good record of performance for a reasonable period of time, and have sufficient financial capacity, equipment, and organization to ensure that they can satisfactorily perform the services if awarded a contract under the terms and conditions of this solicitation.
- D. The terms "equipment and organization", as used herein shall, be construed to mean a fully equipped and well established company in line with the best business practices in the industry, and as determined by the City of Miami Beach.
- E. The City may consider any evidence available regarding the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience), in making an award that is in the best interest of the City.
- F. The City may require Proposers to show proof that they have been designated as authorized representatives of a manufacturer or supplier, which is the actual source of supply. In these instances, the City may also require material information from the source of supply regarding the quality, packaging, and characteristics of the products to be supply to the City.

29. ASSIGNMENT. The successful Proposer shall not assign, transfer, convey, sublet or otherwise dispose of the contract, including any or all of its right, title or interest therein, or his/her or its power to execute such contract, to any person, company or corporation, without the prior written consent of the City.

30. LAWS, PERMITS AND REGULATIONS. The Proposer shall obtain and pay for all licenses, permits, and inspection fees required to complete the work and shall comply with all applicable laws.

31. FLORIDA PUBLIC RECORDS LAW. Proposers are hereby notified that all Proposal including, without limitation, any and all information and documentation submitted therewith, are exempt from public records requirements under Section 119.07(1), Florida Statutes, and s. 24(a), Art. 1 of the State Constitution until such time as the City provides notice of an intended decision or until thirty (30) days after opening of the Proposals, whichever is earlier. Additionally, the successful Proposer agrees to be in full compliance with Florida Statute 119.0701 including, but not limited to, agreement to (a) keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the services; (b) provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law; (c) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; (d) meet all requirements for retaining public records and transfer, at no cost, to the City all public records in its possession upon termination of the interim agreement or comprehensive agreement and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the City in a format that is compatible with the information technology systems of the City.

32. CONFLICT OF INTEREST. All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

33. MODIFICATION/WITHDRAWALS OF PROPOSALS. A Proposer may submit a modified Proposal to replace all or any portion of a previously submitted Proposal up until the Proposal due date and time. Modifications received after the Proposal due date and time will not be considered. Proposals shall be irrevocable until contract award unless withdrawn in writing prior to the Proposal due date, or after expiration of **120** calendar days from the opening of Phase 2 Proposals without a contract award. Letters of withdrawal received after the Proposal due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

34. EXCEPTIONS TO PRD. Proposers must clearly indicate any exceptions they wish to take to any of the terms in this PRD, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Proposal. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Proposer to comply with the particular term and/or condition of the PRD to which Proposer took exception to (as said term and/or condition was originally set forth on the PRD).

35. ACCEPTANCE OF GIFTS, FAVORS, SERVICES. Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Proposal. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

36. SUPPLEMENTAL INFORMATION. City reserves the right to request supplemental information from Proposers at any time during the PRD solicitation process, unless otherwise noted herein.

37. NO WARRANTIES OR REPRESENTATIONS BY CITY. Any information provided by City under this PRD is solely to provide background information for the convenience of the Proposers. City makes no representations or warranties, express or implied, of any kind whatsoever with respect to any of the matters identified in this PRD.

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SECTION 0300 PROPOSAL SUBMITTAL INSTRUCTIONS AND FORMAT

1. TWO PHASE PROPOSAL EVALUATION. Proposals will be considered in two phases. Phase I will consist of the evaluation of qualifications of the Proposer and the Lead Team Participants. Phase 2 will consist of the evaluation of technical and cost Proposals. The information to be submitted in each phase, as well as the evaluation criteria to be utilized for each phase, is stated below, and may be modified by Addendum to this PRD. Each phase will be considered by an Evaluation Committee appointed by the City Manager. The City reserves the right to engage the advice of its consultant or other technical experts in assisting the Evaluation Committee in the review of Proposals received. Following Phase I review of Proposals, the City may short-list one or more parties to be considered in Phase 2 . Phase 2 Proposals will only be considered from short-listed Proposers.

2. SEALED RESPONSES. Each phase will require one (1) original Proposal (preferably in 3-ring binder) must be submitted in an opaque, sealed envelope or container on or before the due date established for the receipt of Proposals, ten (10) bound copies and one (1) electronic format (CD or USB format) to be submitted. The following information should be clearly marked on the face of the envelope or container in which the Proposal is submitted: solicitation number, solicitation title, Proposer name, Proposer return address. Proposals received electronically, either through email or facsimile, are not acceptable and will be rejected.

3. PROPOSAL FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of Proposals, it is strongly recommended that Proposals be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittal should be tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposals that do not include the required information will be deemed non-responsive and will not be considered.

4. PHASE I PROPOSAL FORMAT REQUIREMENTS. In order to maintain comparability, facilitate the review process, and assist the Evaluation Committee in review of responses, it is recommended that responses be organized and tabbed in accordance with the sections and manner specified below. Hard copy submittals should be bound and tabbed as enumerated below and contain a table of contents with page references. Electronic copies should also be tabbed and contain a table of contents with page references. Proposers should prepare their submittal on 8.5 x 11 paper. Please feel free to include other materials, such as covers, appendices, brochures, etc. at your discretion. The recommended number of pages the City desires for each submittal item is indicated below. These are recommendations only and actual pages may exceed the recommendation. The City reserves the right to require additional information to determine financial capability. Proposer shall have ten (10) calendar days respond to such a request.

TAB 1	Executive Summary, Forms & Compliance with Minimum Requirements (4 page limit)
1.	Cover Page, Letter, and Table of Contents. The cover letter must indicate Prime Proposer and be signed by same.
2.	Required Forms. Provide Certification, Questionnaire & Requirements Affidavit (Appendix A). Attach Appendix A fully completed and executed. The Certification, Questionnaire & Requirements Affidavit (Appendix A) must be signed by the Prime Respondent.
3.	Minimum Requirements. Submit verifiable information documenting compliance with each of the Minimum Requirements in Section 0200, Pages 3-4.

1. Qualifications of Proposer and Lead Team Participants. Submit detailed information regarding the Proposer's and each Lead Team Participant's experience in the design, construction, financing, operation and maintenance which documents expertise, competence, capability, and capacity in, and record of producing quality work on projects similar to the Project. Include, at a minimum, the following information:

a. Company Information. Provide background information, including company history/organizational structure, years in business for Proposer and each Lead Team Participant, number of employees, and any other information communicating capabilities and experience.

b. Experience and Qualifications on Other Infrastructure Projects. Provide a list of the Proposer's and each Lead Team Participant's experience with comparable design-build, design-build-operate-maintain, or other public or public-private infrastructure projects of size and scope similar to or larger than the Project. Include additional information, as well as a table that includes the project name, type of project, scope of project, years the Project was constructed, hard construction costs for the project or operating/maintenance budget for the project (as applicable), and delivery approach or method. For Lead Investor and Contractor, provide record of projects completed within the contract time and contract price.

c. Experience and Qualifications on Rail or Transit Projects in Urban Settings. Summarize the Proposer's and each Lead Team Participant's experience with similar rail or transit projects in urban or sensitive environmental areas and community areas of comparable size and scope. Include the project name, type of project, scope of project, years constructed, hard costs, and delivery approach or method, and names of key personnel. Highlight any key personnel who will also work on this Project. Identify experience in managing the maintenance of traffic, roadway (or bridge) design and construction, environmental and other permitting, and implementing community relations and outreach programs on projects of similar size and complexity to this Project. For Lead Engineer, provide information demonstrating completion of at least one or more transit facility comparable to the Project.

d. Capacity to Manage and Implement the Project. Provide additional information sufficient to identify Proposer's and each Lead Team Participant's demonstrated capacity to manage and implement the Project.

e. Prior Working Relationships Between and Among Team Members. Provide information identifying prior working relationships between or among Proposer or Lead Team Participants. Include the project name, type of project, scope of project, years constructed, hard costs, and delivery approach or method, and names of key personnel. Highlight any key personnel who will also work on this Project.

f. Key Personnel and Level of Commitment. Identify and provide job descriptions, resumes and references for the qualified personnel for key positions on the Project, including number of years of experience and areas of expertise for each individual, and list of prior projects comparable in size and scope (or greater) of this Project. Key Personnel (at a minimum) shall include:

- Project Manager
- Construction Manager
- Construction Superintendent
- Design Manager
- Lead Design Engineer
- Independent Quality Manager
- Design Quality Manager

Affirm that all key personnel will be required to be on-site 100% of the time during activities that involve their areas of responsibility. Substitution of Key Personnel will be subject to review and acceptance by the City.

g. Prime Constructor Safety Record . For Prime Constructor, provide its Experience Modification Rate (EMR) and OSHA forms 300 and 300A for the past three (3) years.

TAB 3

Financial Capacity

(4 page limit, not counting financial statements and related information)

Submit detailed information sufficient to demonstrate the financial capacity of Proposer and Lead Team Participants and financial guarantors. Include Proposer's, Lead Investor's, financial guarantors, Lead Contractor, Lead Operator and Lead Maintenance most recent annual reviewed/audited financial statement with the auditors' notes. Such statements should include, at a minimum, balance sheets (statements of financial position), and statements of profits and loss statement of net income). City reserves the right to request additional information from any Proposer to determine financial capacity. Proposer shall have no more than ten (10) days to respond to such request.

1. Management and Organization: Proposer shall describe the approach and methodology in accomplishing the following goals of this Project i) an understanding of and approach to the management, technical aspects, and maintenance of traffic issues and risks associated with the Project ii) an understanding of and approach to how the public-private partnership, or “P3”, process and the Proposer’s organization will contribute to the success of the Project and meet the City of Miami Beach’s Project goals; and iii) an understanding of the risk sharing and the teaming relationship between the Proposer and the City of Miami Beach.

a. Methodology for integrating the Proposer and Lead Team Participants and their respective areas of expertise: The narrative should describe the methodology for integrating the Proposer and the different areas of expertise of Lead Team Participants into an efficient and effective organization.

b. Management Approach: The management approach must reflect an understanding of the use of the P3 project delivery methodology for transportation projects.

c. Organization Chart: Provide an organizational chart(s) showing the “chain of command,” with lines identifying participants who are responsible for major functions to be performed, and their reporting relationships, in managing, designing, and building the Project. The chart(s) must show the functional structure of the organization down to the design discipline leader or construction superintendent level and must identify Key Personnel by name. Key Personnel will be committed to the Project. Identify all Lead Team Participants in the chart(s). Identify the critical support elements and relationships of Project management, Project administration, construction management, quality control, safety, environmental compliance, and subcontractor administration.

d. Organizational Chart Functional Relationships: For each organizational chart, provide a brief, written description of significant functional relationships among participants and how the proposed organization will function as an integrated team.

2. Approach to P3/Design-Build-Operate-Maintain-Finance. Provide information on a sample approach to finance the Project assuming an availability payment approach that is supported by annual payments during the operation period subject to annual appropriation.

3. Approach to Design and Construction. Provide information demonstrating an understanding of and sound approach to the development, design and construction of the Project.

a. Provide information identifying how Proposer will incorporate innovative design and other techniques in the Project through the lifecycle of the Project.

b. Describe approach to plan, organize, and execute the design and construction of, and assure the quality and safety of the Project.

c. Describe approach to effectively manage all aspects of the Contract in a quality, timely, and effective manner and integrate the different parts of its organization with the City of Miami Beach in a cohesive and seamless manner.

4. Approach to Implementation in Complex Urban Environments.

- a. Describe Proposer's general approach to integrating the City and identified stakeholders in the various phases of the Project.
- b. Describe Proposer's general approach to traffic management, utility identification and relocation, access during construction, pedestrian and parking accommodation, and community outreach.
- c. Describe, in general terms, Proposer's anticipated operating approach for the Project.

5. Approach to Vehicle Systems Technology.

- a. Provide a detailed description of Proposer's Vehicle/Systems Technology, including but not limited to detailed descriptions and depictions of the proposed vehicles.
- b. Provide description of operations and maintenance for the Proposer's Vehicle/Systems Technology, including site requirements;
- c. Provide service history for the Vehicle/Systems Technology,, including vehicles; and
- d. Describe capability to meet Buy America Requirement (now or in the future) and other applicable federal requirements should the City decide to pursue federal funding for the Project.
- e. Explain how the Proposer's streetcar system/technology will be interoperable with the Direct Connect Project.

5. PHASE 2 RESPONSE FORMAT. Following City Commission selection of the short-listed Proposers, the short-listed Proposers will be required to prepare detailed Phase 2 Proposals for the Project, which will include technical and cost/financial Proposals. The instructions for Phase 2 submittals are planned to be issued to the Phase 1 short-listed proposers in Summer 2016, and will include comprehensive Project definition, environmental information, funding plan, preliminary engineering, performance specifications, and any additional conditions or requirements that may be applicable (e.g., prevailing wage rates, bonding, insurance), as well as the draft Project agreement. Proposals are anticipated to be due within 60 days of the final instructions, including submittal of a Best and Final Offer.

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SECTION 0400 **PHASE 1 PROPOSAL EVALUATION**

1. Evaluation Committee. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate and rank each Proposal during Phase 1 and Phase 2 in accordance with the requirements set forth in this PRD. If the City desires further information, Proposers may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. The evaluation of Proposals will proceed in a two-step process as specified in Section 0300(1). The Evaluation Committee is advisory only. The results of Phase 1 and Phase 2 evaluations will be forwarded to the City Manager who will utilize the results to make a recommendation to the City Commission. The City Manager will make the final recommendation concerning the ranking of Proposers, both during Phase 1 and Phase 2, and such final recommendation may or may not be consistent with the Evaluation Committee's ranking, and will consider the following:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the Proposer with laws and ordinances relating to the contract.

1. Phase 1 Evaluation Process. The Evaluation Committee shall meet to evaluate each response and rank Proposers in order of preference, as provided in Florida Statute 287.05712, and based on consideration of the professional qualifications of the Proposers (including Lead Team Participants), and the following factors:, in no particular order:

- Compliance with the Minimum Requirements;
- Experience and Qualifications of Proposer and each of the Lead Team Participants, including consideration of the information requested in Tab 2 of Section 0300 of the PRD;
- Financial capability of the Proposer; and
- Proposer's Approach and Methodology, including consideration of the information requested in Tab 4 of Section 0300.

2. Phase 2 Evaluation Process. Additional information concerning the Phase 2 evaluation process shall be released by Addendum to this PRD at a later date.

APPENDIX A



MIAMI BEACH

Proposal Certification, Questionnaire & Requirements Affidavit

PRD 2016-071-KB

Notice of Receipt
of Unsolicited Proposal and Request for Alternative Proposals
for
Light Rail/Modern Streetcar Project
in
Miami Beach

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

Solicitation No: PRD 2016-071-KB	Solicitation Title: Notice of Receipt of Unsolicited Proposal and Request for Alternative Proposals for Light Rail/Modern Streetcar Project in Miami Beach	
Procurement Contact: Kristy Bada	Tel: 305-673-7490	Email: KristyBada@MiamiBeachFL.gov

PROPOSAL CERTIFICATION, QUESTIONNAIRE & REQUIREMENTS AFFIDAVIT

Purpose: The purpose of this Proposal Certification, Questionnaire and Requirements Affidavit Form is to inform prospective Proposers of certain solicitation and contractual requirements, and to collect necessary information from Proposers in order that certain portions of responsiveness, responsibility and other determining factors and compliance with requirements may be evaluated. **This Proposal Certification, Questionnaire and Requirements Affidavit Form is a REQUIRED FORM that must be submitted fully completed and executed.**

1. General Proposer Information.

FIRM NAME:	
No of Years in Business:	No of Years in Business Locally:
OTHER NAME(S) PROPOSER HAS OPERATED UNDER IN THE LAST 10 YEARS:	
FIRM PRIMARY ADDRESS (HEADQUARTERS):	
CITY:	
STATE:	ZIP CODE:
TELEPHONE NO.:	
TOLL FREE NO.:	
FAX NO.:	
FIRM LOCAL ADDRESS:	
CITY:	
STATE:	ZIP CODE:
PRIMARY ACCOUNT REPRESENTATIVE FOR THIS ENGAGEMENT:	
ACCOUNT REP TELEPHONE NO.:	
ACCOUNT REP TOLL FREE NO.:	
ACCOUNT REP EMAIL:	
FEDERAL TAX IDENTIFICATION NO.:	

The City reserves the right to seek additional information from Proposer or other source(s), including but not limited to: any firm or principal information, applicable licensure, resumes of relevant individuals, client information, financial information, or any information the City deems necessary to evaluate the capacity of the Proposer to perform in accordance with contract requirements.

1. **Veteran Owned Business.** Is Proposer claiming a veteran owned business status?

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: Proposers claiming veteran owned business status shall submit a documentation proving that firm is certified as a veteran-owned business or a service-disabled veteran owned business by the State of Florida or United States federal government, as required pursuant to ordinance 2011-3748.

2. **Conflict Of Interest.** All Proposers must disclose, in their Proposal, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Proposers must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates.

SUBMITTAL REQUIREMENT: Proposers must disclose the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Proposers must also disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Proposer entity or any of its affiliates

3. **Suspension, Debarment or Contract Cancellation.** The Proposer and each Lead Team Participant must not have been indicted, disqualified, debarred, or suspended from the performance of any work for any federal, state or local government in the United States in the last seven (7) years, or removed via contract cancellation due to non-performance of work for any federal, state or local government in the United States in the last seven (7) years. Has Proposer or Lead Team Participant ever been indicted, disqualified, removed, debarred or suspended, or had a contract cancelled due to non-performance by any public sector agency?

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: If answer to above is "YES," Proposer shall submit a statement detailing the reasons that led to action(s).

4. **Vendor Campaign Contributions.** Proposers are expected to be or become familiar with, the City's Campaign Finance Reform laws, as codified in Sections 2-487 through 2-490 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Campaign Finance Reform laws are complied with, and shall be subject to any and all sanctions, as prescribed therein, including disqualification of their Proposals, in the event of such non-compliance.

SUBMITTAL REQUIREMENT: Submit the names of all individuals or entities (including your sub-consultants) with a controlling financial interest as defined in solicitation. For each individual or entity with a controlling financial interest indicate whether or not each individual or entity has contributed to the campaign either directly or indirectly, of a candidate who has been elected to the office of Mayor or City Commissioner for the City of Miami Beach.

5. **Code of Business Ethics.** Pursuant to City Resolution No.2000-23879, each person or entity that seeks to do business with the City shall adopt a Code of Business Ethics ("Code") and submit that Code to the Department of Procurement Management with its Proposal/response or within five (5) days upon receipt of request. The Code shall, at a minimum, require the Proposer, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City of Miami Beach and Miami Dade County.

SUBMITTAL REQUIREMENT: Proposer shall submit firm's Code of Business Ethics. In lieu of submitting Code of Business Ethics, Proposer may submit a statement indicating that it will adopt, as required in the ordinance, the City of Miami Beach Code of Ethics, available at www.miamibeachfl.gov/procurement/.

6. **Public Entity Crimes.** Section 287.133(2)(a), Florida Statutes, as currently enacted or as amended from time to time, states that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a Proposal, Proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a Proposal, Proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit Proposals, Proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

SUBMITTAL REQUIREMENT: No additional submittal is required. By virtue of executing this affidavit document, Proposer agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

7. **Litigation History.** Has Proposer or any of its Lead Team Participants or principal or employee of the Proposer (relating to professional endeavors only) been the subject of any claims, arbitrations, administrative hearings and lawsuits brought by or against the Proposer (including Lead Team Participants) or its predecessor organization(s) during the last five (5) years.

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: If yes, list all case names; case, arbitration or hearing identification numbers; the name of the project over which the dispute arose; a description of the subject matter of the dispute; and the final outcome of the claim.

8. **Bankruptcy.** Has the Proposer or any of its Lead Team Participants filed any bankruptcy petitions (voluntary or involuntary) which have been filed by or against the Proposer, its parent or subsidiaries or predecessor organizations during the past five (5) years. Include in the description the disposition of each such petition.

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: If yes, list and describe all bankruptcy petitions (voluntary or involuntary) which have been filed by or against the Proposer, its parent or subsidiaries or predecessor organizations during the past five (5) years. Include in the description the disposition of each such petition.

9. **Principals.** Provide the names of all individuals or entities with a controlling financial interest in Proposer. The term “controlling financial interest” shall mean the ownership, directly or indirectly, of 10% or more of the outstanding capital stock in any corporation or a direct or indirect interest of 10% or more in a firm. The term “firm” shall mean any corporation, partnership, business trust or any legal entity other than a natural person.

10. **Surety Companies.** Has a surety company ever intervened to assist a governmental agency or other client of the Proposer or Lead Contractor in completing work that the Proposer or Lead Contractor failed to complete?

☐ YES ☐ NO

SUBMITTAL REQUIREMENT: If yes, submit owner names, addresses and telephone numbers, and surety and project names, for all projects for which you have performed work, where your surety has intervened to assist in completion of the project, whether or not a claim was made.

11. Has Proposer or Lead Team Participants ever failed to complete performance of a contract? If so, where and why?

☐ YES ☐ NO

12. **Acknowledgement of Addendum.** After issuance of solicitation, the City may release one or more addendum to the solicitation which may provide additional information to Proposers or alter solicitation requirements. The City will strive to reach every Proposer having received solicitation through the City’s e-procurement system, PublicPurchase.com. However, Proposers are solely responsible for assuring they have received any and all addendum issued pursuant to solicitation. This Acknowledgement of Addendum section certifies that the Proposer has received all addendum released by the City pursuant to this solicitation. Failure to obtain and acknowledge receipt of all addendum may result in Proposal disqualification.

Initial to Confirm Receipt		Initial to Confirm Receipt		Initial to Confirm Receipt	
	Addendum 1		Addendum 6		Addendum 11
	Addendum 2		Addendum 7		Addendum 12
	Addendum 3		Addendum 8		Addendum 13
	Addendum 4		Addendum 9		Addendum 14
	Addendum 5		Addendum 10		Addendum 15

If additional confirmation of addendum is required, submit under separate cover.

DISCLOSURE AND DISCLAIMER SECTION

The solicitation referenced herein is being furnished to the recipient by the City of Miami Beach (the "City") for the recipient's convenience. Any action taken by the City in response to Proposals made pursuant to this solicitation, or in making any award, or in failing or refusing to make any award pursuant to such Proposals, or in cancelling awards, or in withdrawing or cancelling this solicitation, either before or after issuance of an award, shall be without any liability or obligation on the part of the City.

In its sole discretion, the City may withdraw the solicitation either before or after receiving Proposals, may accept or reject Proposals, and may accept Proposals which deviate from the solicitation, as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting Proposals in response to this solicitation.

Following submission of a Proposal or Proposal, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the Proposal and the applicant including, without limitation, the applicant's affiliates, officers, directors, shareholders, partners and employees, as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective Proposers. It is the responsibility of the recipient to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this solicitation.

Any reliance on these contents, or on any permitted communications with City officials, shall be at the recipient's own risk. Proposers should rely exclusively on their own investigations, interpretations, and analyses. The solicitation is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any Proposal conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this solicitation, the selection and the award process, or whether any award will be made. Any recipient of this solicitation who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer, is totally relying on this Disclosure and Disclaimer, and agrees to be bound by the terms hereof. Any Proposals submitted to the City pursuant to this solicitation are submitted at the sole risk and responsibility of the party submitting such Proposal.

This solicitation is made subject to correction of errors, omissions, or withdrawal from the market without notice. Information is for guidance only, and does not constitute all or any part of an agreement.

The City and all Proposers will be bound only as, if and when a Proposal (or Proposals), as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties. Any response to this solicitation may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all Proposals and supporting documents shall be subject to disclosure as required by such law. All Proposals shall be submitted in sealed Proposal form and shall remain confidential to the extent permitted by Florida Statutes, until the date and time selected for opening the responses. At that time, all documents received by the City shall become public records.

Proposers are expected to make all disclosures and declarations as requested in this solicitation. By submission of a Proposal, the Proposer acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the Proposal, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each Proposer certifies that the information contained in the Proposal is true, accurate and complete, to the best of its knowledge, information, and belief.

Notwithstanding the foregoing or anything contained in the solicitation, all Proposers agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this solicitation, or any response thereto, or any action or inaction by the City with respect thereto, such liability shall be limited to \$10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this Disclosure and Disclaimer which imposes no liability on the City.

In the event of any differences in language between this Disclosure and Disclaimer and the balance of the solicitation, it is understood that the provisions of this Disclosure and Disclaimer shall always govern. The solicitation and any disputes arising from the solicitation shall be governed by and construed in accordance with the laws of the State of Florida.

PROPOSER CERTIFICATION

I hereby certify that: I, as an authorized agent of the Proposer, am submitting the following information as my firm's Proposal; Proposer agrees to complete and unconditional acceptance of the terms and conditions of this document, inclusive of this solicitation, all attachments, exhibits and appendices and the contents of any Addenda released hereto, and the Disclosure and Disclaimer Statement; Proposer agrees to be bound to any and all specifications, terms and conditions contained in the solicitation, and any released Addenda and understand that the following are requirements of this solicitation and failure to comply will result in disqualification of Proposal submitted; Proposer has not divulged, discussed, or compared the Proposal with other Proposers and has not colluded with any other Proposer or party to any other Proposal; Proposer acknowledges that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; all responses, data and information contained in this Proposal, inclusive of the Proposal Certification, Questionnaire and Requirements Affidavit are true and accurate.

Name of Proposer's Authorized Representative:	Title of Proposer's Authorized Representative:
Signature of Proposer's Authorized Representative:	Date:

State of FLORIDA)
)

County of _____)

of _____, a corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:

On this ____ day of _____, 20__, personally
appeared before me _____ who
stated that (s)he is the _____

Notary Public for the State of Florida
My Commission Expires: _____.